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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,870	05/14/2001	Jenny Myers	18133-071	9936
30623	7590	07/11/2005	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			PEREZ DAPLE, AARON C	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,870

Applicant(s)

MYERS ET AL.

Examiner

Aaron C. Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-14 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-14 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Amendment filed 4/18/05, which has been fully considered.
2. Amended claims 1-5, 8-14, 17-19 and new claims 20-22 are presented for examination.
3. Claims 6, 7, 15, and 16 are cancelled by Applicant.
4. This Action is non-Final.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-3, 8-12, and 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehr et al. (US 6,643,566 B1) (hereinafter Lehr) in view of Sepe Jr. (US 6,792,321 B2) (hereinafter Sepe) (hereinafter Sepe) and in further view of Stendardo et al. (US 6,064,125) (hereinafter Stendardo).

7. Lehr and Sepe are cited in a previous Office Action. Stendardo is newly cited.

8. As for claims 1, 10 and 19, Lehr discloses a system and method of controlling a system, the system comprising:

an input that receives power from a primary power source (AC power 192, Fig. 3; power 74, Fig. 2A);

a plurality of outputs coupled to the input, the plurality of outputs being adapted to provide power to a plurality of equipment (outputs 188, Fig. 3);

a network interface adapted to receive control, configuration and status information and to generate a plurality of control signals representing the control, configuration and status information (Lan Bridge Router 66, Fig. 2A; col. 13, lines 7-34); and

a processor coupled to the network interface and to the plurality of outputs, the processor being adapted to receive and respond to the plurality of control signals by actuating the plurality of outputs (controller 186, Fig. 3; col. 10, line 66 – col. 11, line 9).

Lehr does not specifically disclose that the control, configuration and status information may be received from a plurality of *wireless* devices. Sepe teaches receiving control, configuration and status information from a plurality of wireless devices in order to remotely control, monitor and service equipment (col. 2, line 27 – col. 3, line 27; col. 4, lines 47-60; Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehr by receiving control, configuration and status information from a plurality of wireless devices in order to remotely control, monitor and service equipment, as taught by Sepe above.

Lehr teaches using an uninterruptible power supply (UPS) for providing power to the plurality of equipment (UPS 171, Fig. 2B). The benefits of such UPS systems are widely known to those of ordinary skill in the art. Specifically, such UPS systems protect the equipment from fluctuations in the power supply and allow the system to continue operating when the primary power supply fails. However, Lehr does not disclose the details of the UPS system and therefore does not specifically disclose a sensing circuit and a control switch for coupling a secondary power source to the plurality of equipment if the sensing circuit detects that the primary power source is below a predetermined threshold.

Stendardo discloses an uninterruptible power supply system comprising:

a secondary power source adapted to provide power to the plurality of equipment (batteries 14, Fig. 1; col. 1, lines 60-61),

a sensing circuit coupled to the input to detect if the primary power source is below a predetermined threshold (adapter power sensing 44, Fig. 1; col. 3, line 62 – col. 4, line 13), and

a control switch adapted to couple the secondary power source to the plurality of equipment if the sensing circuit detects that the primary power source is below the predetermined threshold (switch 16, Fig. 1; col. 3, line 62 – col. 4, line 13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehr by using a UPS having the features disclosed by Stendardo in order to provide a simple, cost-effective, and reliable UPS for the system, as taught by Stendardo (col. 2, lines 13-29).

9. As for claims 2 and 11, Lehr teaches the system of claims 1 and 10, further including an output controller coupled between the input and the plurality of outputs, the output controller being further coupled between the processor and the outputs (circuits 181 and 182, Fig. 3).
10. As for claims 3 and 12, Lehr teaches the system of claims 2 and 11, wherein the output controller includes a plurality of switches coupled to the input, to the plurality of outputs and to the processor (col. 9, line 66 – col. 10, line 8; col. 10, lines 53-65; col. 13, lines 7-27).
11. As for claims 8, 9 and 17 and 18, Lehr does not specifically teach the use of wireless devices including personal digital assistants (pda's) and cellular telephones. Sepe teaches using wireless devices including pda's and cellular telephones in order to remotely control,

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monitor and service equipment (col. 2, line 27 – col. 3, line 27; col. 4, lines 47-60; Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehr by using wireless devices including pda's and cellular telephones in order to remotely control, monitor and service equipment, as taught by Sepe above.

12. **Claims 4 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehr, Sepe, and Stendardo in further view of Lee et al. (US 6,336,137 B1) (hereinafter Lee).

13. As for claims 4 and 13, Lehr and Sepe do not explicitly teach the use of Wireless Mark-Up language. Lee teaches a network interface that operates using a Wireless Mark-Up language that enables the network interface to communicate with a plurality of wireless devices (col. 2, lines 55-60). It would have been obvious to one of ordinary skill in the art to modify the teachings of Lehr and Sepe by using a Wireless Mark-Up language protocol in the network interface in order to efficiently communicate with the wireless devices, as taught by Lee (col. 2, lines 55-60; col. 10, lines 43-64).

14. **Claims 5 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehr, Sepe, and Stendardo and in further view of Case et al. (Case et al., "RFC 1157: A Simple Network Management Protocol (SNMP)," May 1990.) (hereinafter Case).

15. As for claims 5 and 14, Lehr and Sepe do not explicitly teach the use of a Simple Network Management protocol (SNMP). Case teaches using SNMP for enabling a network interface to receive control, configuration and status information from a plurality of servers in order to efficiently inspect or alter a network element by a remote user (Section 1, Status of This Memo; Section 3, The SNMP Architecture). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Lehr and Sepe

by using SNMP for enabling a network interface to receive control, configuration and status information from a plurality of servers in order to efficiently inspect or alter a network element by a remote user, as taught by Case above.

16. **Claims 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehr in view of Sepe and in further view of Baker et al. (US 5,821,636) (hereinafter Baker).

17. Baker is cited by the Examiner in a previous Office Action.

18. As for claims 20-22, Lehr discloses a system and method comprising:

an input that receives power from a primary power source (AC power 192, Fig. 3; power 74, Fig. 2A);

a plurality of outputs coupled to the input, the plurality of outputs being adapted to provide power to a plurality of equipment (outputs 188, Fig. 3);

a network interface adapted to receive control, configuration and status information and to generate a plurality of control signals representing the control, configuration and status information (Lan Bridge Router 66, Fig. 2A; col. 13, lines 7-34); and

a processor coupled to the network interface and to the plurality of outputs, the processor being adapted to receive and respond to the plurality of control signals by actuating the plurality of outputs (controller 186, Fig. 3; col. 10, line 66 – col. 11, line 9).

Lehr does not specifically disclose that the control, configuration and status information may be received from a plurality of *wireless* devices. Sepe teaches receiving control, configuration and status information from a plurality of wireless devices in order to remotely control, monitor and service equipment (col. 2, line 27 – col. 3, line 27; col. 4, lines 47-60; Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify Lehr by receiving control, configuration and status information from a plurality of wireless devices in order to remotely control, monitor and service equipment, as taught by Sepe above.

19. Lehr and Sepe do not specifically disclose an elongated housing with a plurality of outlets mounted on the housing. Baker teaches a power distribution system similar to that of Lehr having an elongated housing with a plurality of outlets mounted on the housing (Fig. 2), which is primarily a design choice. Lehr does not disclose the details of the external system design. The design presented by Baker has the obvious advantages of being easy to use and integrate with other equipment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lehr and Sepe by using an elongated housing with a plurality of outlets mounted on the housing because this would be easy to use and integrate with the equipment, as taught by Baker (col. 1, lines 38-42).

Response to Arguments

20. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.
21. With respect to new claims 20-22, Applicant asserts that there is no motivation for modifying the teachings of Lehr and Sepe to include the power strip of Baker. The Examiner has clarified the motivation for combination in the 103 rejection above.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,311,279 B1, note uninterruptible power supply with switching to backup power upon crossing a threshold;

US 6,218,744 B1, note uninterruptible power supply with switching to backup power upon crossing a threshold;

US 6,157,168, note uninterruptible power supply with switching to backup power upon crossing a threshold.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C. Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

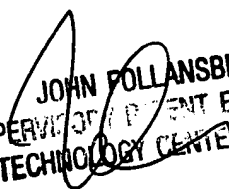
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 7/1/05

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